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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,059	03/21/2000	Chester W. Williams	500695.01	6811

7590 04/06/2004

DALE C. BARR, ESQ.
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816 SECOND AVENUE
SEATTLE, WA 98104

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/532,059

Applicant(s)

WILLIAMS, CHESTER W.

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,18,19,24,25 and 30-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,18,19,24,25 and 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 1/16/04.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a mesh member having a plurality of first portions embedded within the facing layer and a plurality of second portions embedded within the molded block as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 5, -7, 18, 19, 24, 25, and 30-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the cited limitation such as "a non-planar mesh member having a plurality of first portions embedded within the facing

layer and a plurality of second portions embedded within the molded block" is a considered new matter.

Claims 1, 2, 18, 19, 24, 25, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond (US 5,921,046) in view of Ellison (US 5,881,524) and further in view of Berrenberg (US 4,879,855).

Hammond shows in figures 1-3, and 9, a building block 10 having urethane foam core 12, cement coating 14 on the surfaces. The foam building block 10 is rectangular configuration, having at least one horizontal-extending void "HV", at least one vertically-extending void "VV" extending between the top and bottom surfaces of the block and at least one of the horizontally-extending voids "HV" extending between the side surfaces of the block 10, at least one of the horizontally-extending voids intersecting at least one of the vertically-extending voids, a facing bond 14 bonded to an exterior surface of the block 10 forming two facing pieces.

Hammond does not disclose expressly the voids being tapered along its length and a mesh material is embedded in the inwardly facing surface of the block. Ellison teaches composite building system comprising a block 100 having two center cores/voids 102, two-end voids 106. Both center and end voids are tapered along its length (see figs. 17-18, col. 10, lines 59-63). And Berrenberg teaches attachment and reinforcement member for molded construction forms including a metal mesh 10 is embedded in the inwardly facing of the form 20 (see fig. 4). At the time of the invention,

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it would have been obvious to a person of ordinary skill in the art to combine Hammond with Ellison for the voids being tapered along its length and with Berrenberg for the mesh material embedded in the form of the block. The motivation for doing so would have been to provide advantages for spacing, embedment of the reinforcing rods, and more integrity. Moreover, Hammond teaches the structural elements for the building block except for the facing bonded to an exterior surface of the block during the molding, since the applicant's claims are drawn to apparatus claims; therefore the examiner only considers the structures of the final product and the process of making limitation in the product claims cannot impart patentability to the product.

Response to Arguments

Applicant's arguments filed 2/11/04 have been fully considered but they are not persuasive because the new subject matters have been included, which nowhere described in the specification nor drawings therefore they are not considered.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.


CQN
3/30/04


Carl D. Friedman
Supervisory Patent Examiner
Group 3600